

**AGENDA ITEM
REQUEST/JUSTIFICATION FORM**
(To be completed by requesting Department)
Forward all requests to Sharon Bourke, LC2 Civic Center
**DEADLINE SUBMITTAL IS 3:00 P.M. WEDNESDAY
BEFORE THE TUESDAY MEETING**

Agenda item: Consent – Tort Claim

(i.e. Consent/Recognition-Proclamation/Presentation/Public Hearing/Committee, etc.)

Date to be on agenda: April 9, 2013

Exact wording to be used for the agenda: Mr. Thomas F. Cavanaugh, County Clerk, presenting claim of the following pursuant to the Nebraska Political Subdivisions Tort Claims Act: Oliver Halverson

Action requested: Refer to County's Risk Manager for review and determination.

Amount requested: \$ Object Code: N/A

Is item in current year's budget? N/A Yes No

Does this item commit funds in future years? Yes No X

If yes, explain: N/A

If an agreement or contract, has the County Attorney reviewed and approved? N/A Yes No

Previous action taken on this item, if any: None.

Recommendations and rationale or action: Refer to County's Risk Manager for review and determination.

Will anyone speak on behalf of this item, if so who? N/A

If this is a rush agenda item, please explain why: N/A

Submitted by (Name & Dept.): Thomas F. Cavanaugh, County Clerk Ext. 7150

Date submitted: April 1, 2013

List Attachments: Supporting documents

(Attach resolution and all pertinent documentation; i.e. contract, agreement, memorandums, etc.)

Certified resolutions can be obtained at the County Clerk's website:
<http://www.douglascountyclerk.org/county-board-records/search-for-resolutions>

Completed by receiving office

Received in Administrative Office: Date 4/1/13 Time



RECEIVED

MAR 25 2013

Douglas Co. Clerk/Comptroller
Douglas County, Nebraska

DORNAN, LUSTGARTEN & TROIA PC, LLO

March 22, 2013

Tom Cavanaugh
Douglas County Clerk
1819 Farnam Street, Room H08
Omaha, NE 68183

RE: Oliver Halverson

Oliver Halverson and his family have sought my assistance in making a claim for injuries he received on November 28, 2012 when he was shot five times by an Omaha Police Officer.

Oliver Halverson was in a mentally unstable state on November 28, 2012 and his family called police for assistance in taking him into involuntary custody. Oliver Halverson had not committed any crime. Police did locate Oliver Halverson. However, the officers failed to follow department policy regarding taking an individual into involuntary custody for mental health issues and escalated the situation. Eventually, Oliver Halverson was shot five times at point blank range.

Oliver Halverson was immediately taken to the hospital where he received life-saving treatment. The most serious injury was to Mr. Halverson's arm which had to be cut open down to the bone in a spiral pattern. Only days after Mr. Halverson had his entire arm cut open down to the bone he was transferred to Douglas County Correctional Facility where he was denied pain medication stronger than ibuprofen. When Mr. Halverson complained the pain medication he received was not strong enough he was told his "mind would adjust."

Claim is hereby being made pursuant to Neb. Rev. Stat.13-905 for payment of medical expenses incurred to date, future medical expenses, pain and suffering and any other damages recoverable under the law.

Please feel free to contact me should you have any questions or concerns.

Warm Regards,

Ross Pesck

STUART J. DORNAN | CHRISTINE A. LUSTGARTEN | JASON E. TROIA | JOSHUA W. WEIR



THOMAS F. CAVANAUGH

DOUGLAS COUNTY CLERK / COMPTROLLER

KATHLEEN A. HALL

CHIEF DEPUTY DOUGLAS COUNTY CLERK

March 29, 2013

Oliver Halverson
C/O: Doman, Lustgarten & Troia PC, LLO
Attn: Ross Pesek
1403 Farnam Street, Suite 232
Omaha, NE 68102

To Whom It May Concern:

This letter is to inform you that the Douglas County Clerk's office is in receipt of your tort claim.

Said claim will be placed on the Douglas County Board of Commissioners' meeting agenda; to be held on Tuesday, April 9, 2013; at 9:00 a.m. in the Legislative Chamber of the Omaha-Douglas Civic Center, 1819 Farnam Street, Omaha, NE.

At that time, the Board will be asked to refer this claim to the Douglas County Risk Manager for review and determination. You will be notified in writing once the Board has referred your claim to the Risk Manager.

If you have any questions, please do not hesitate to contact me at (402) 444-6764.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ellen M. Sechser", is written over a light blue circular stamp.

Ellen M. Sechser
Administrative Assistant
Douglas County Clerk's Office